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DEC 15 2006

PATENT  
Attorney Docket No. VM7036492001  
Varian No. 03-029

### REMARKS

Amendments to claims 1 and 22 are for the purpose of clarifying what Applicant regards as the invention. Support for the amendments to claims 1 and 22 can be found at least in paragraphs 28, 29, and 32 of the specification, which disclose embodiments in which the radiation source is placed in different orientations. Amendment to claim 13 is to bring this claim into conformity with the language of its base claim. No new matter has been added.

#### I. CLAIM REJECTIONS UNDER § 102

Claims 1, 4-5, 10, 13-14, 18, and 22-23 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,801,785 (Barrett). Claims 1-2 and 11-12 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,432,370 (Hughes). Claims 29-31, 36-40, and 44 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,736,398 (Graeff).

Applicant respectfully note that in order to sustain a claim rejection under § 102, each of the claim elements must be found, either expressly or inherently, in the cited reference.

#### Claims 1 and 22

Claim 1 has been amended to recite generating a first set of image data using radiation at a first energy level after the contrast agent is introduced into the body, *wherein the generating the first set of image data comprises placing a radiation source in different orientations* (Emphasis Added). Claim 22 has been amended to recite means for placing a radiation source in different orientations. Barrett does not disclose or suggest such limitations. Rather, Barrett discloses a x-ray source 10 for obtaining an image of an object. There is nothing in Barrett that discloses or suggests generating a first set of image data that involves placing the x-ray source 10 in different orientations, nor does Barrett disclose or suggest that the x-ray source 10 is configured to be placed in different orientations. Hughes also does not disclose or suggest the above limitations. For at least the foregoing reasons, claims 1 and 22, and their respective dependent claims, are believed allowable over Barrett, and claim 1 and its dependent claims are believed allowable over Hughes.

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Claims 1 and 22 also recite creating a *volumetric* composite image using the first and the second sets of image data. Hughes does not disclose or suggest such limitation. Rather, Hughes specifically states that the image created is a "two-dimensional image" (See column 4, lines 46-54). For this additional reason, claims 1 and 22, and their respective dependent claims, are believed allowable over Hughes.

Claim 29

Claim 29 recites creating a *volumetric* composite image using the first and the second sets of image data (Emphasis Added). Graeff does not disclose or suggest such limitation. Rather, Graeff discloses subtracting images recorded with different x-ray energies to produce "an image," and does not disclose or suggest that such image is a volumetric image (See Abstract). For at least the foregoing reason, claim 29 and its dependent claims are believed allowable over Graeff.

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CONCLUSION

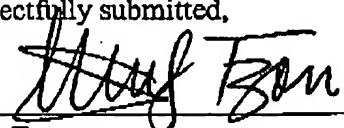
Based on the foregoing, all claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 2018721-7036492001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 2018721-7036492001.

DATE: December 15, 2006

Respectfully submitted,

By: \_\_\_\_\_

  
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